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## PART III—Section 1

## NOTIFICATIONS BY GOVERNMENT

### CHIEF SECRETARIAT

Dated 24th November 1952.

**No. E. 11493-6—R.P.S. 13-52-12.** Sriyuths B. Siddabasappa, P. Chinnappa, and K. Rangappa, who were assigned as Sl. Nos. 'B' 47—46-47, 'B' 60—46-47 and 'B' 86—47-48, respectively for appointment as Primary School Teachers in Chitaldrug District, have been debarred from entry into Government service as a measure of discipline, as they furnished incorrect dates of birth.

By Order and in the name of Rajpramukh,

N. PUTTARANGASWAMY,

6205 *Chief Secretary to Government.*

### HOME AND REVENUE SECRETARIAT

Dated 26th November 1952.

**No. R. 11238—L.R. 45-52-28.** In exercise of the powers conferred by Section 233 of the Mysore Land Revenue Code, 1888, the Government of Mysore is pleased to make the following further amendments to the Rules under the said Code:—

For paragraphs 3 and 4 of Rule 26, the following paragraph shall be substituted, namely:—

"The Government, the Revenue Commissioner and the Deputy Commissioner may condone delays in the payment of the full amount of purchase money in darkhast sales subject to the levy of penalty up to 10 per cent of the purchase money not exceeding Rs. 50 in any case:—

Provided that the power to condone the delay shall be exercisable by:—

1. The Deputy Commissioner in respect of delays not exceeding 15 days.
2. The Revenue Commissioner in respect of delays exceeding 15 days but not exceeding 30 days.
3. The Government in respect of delays exceeding 30 days."

By Order of His Highness the Maharaja,

G. N. NAGARAJA RAO,

*Secretary to Government,*

6239 *Home and Revenue Departments.*

### FINANCIAL SECRETARIAT

Dated 13th November 1952.

**No. Fl. (B) 9553—C.R. 1-52-17.** In exercise of the powers conferred by the proviso to Article 309 read with Article 313 of the Constitution of India, the Rajpramukh of Mysore, is pleased to make the following further amendments to the Mysore Service Regulations, namely—

In the said Regulations, the following shall be added as Article 502B, namely:—

1. "*502B. Journey by Air.*—Except in the case of Secretaries to Government and Heads of Departments, journey by Air requires the specific sanction of Government which will be accorded only in cases of extreme urgency necessitating such a journey.

2. Travel by Air means journeys performed in the machines of Public Air Transport Companies regularly plying for hire. It does not include journeys performed by private aeroplanes or air taxis.

3. Travel by Air is permissible on tour only.

4. A Government servant authorised to travel by Air is entitled to a mileage allowance equal to one and one-fourth air fare for the journey.

5. If available, return tickets at reduced rates should always be purchased when a Government servant expects to perform the return journey by Air within the period during which a return ticket is available. The mileage allowance for the forward or return journeys when such return tickets are available, will, however, be the actual cost of the return ticket plus one-half of the standard air fare for a single journey between the two places.

6. Insurance for Air travel will be met by Government, subject to the amount of premium being restricted to rupees ten per trip."

The Notification shall be deemed to have come into force on the 1st day of September 1952.

By Order and in the name of the Rajpramukh.

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Dated 13th November 1952.

**No. Fl. (B) 9571—C.R. 1-52-16.** In exercise of the powers conferred by the proviso to Article 309 read with Article 313 of the Constitution of India, the Rajpramukh of Mysore is pleased to make the following further amendment to the Mysore Service Regulations, namely:—

"In the said Regulations, clause (*c*) of Article 563 shall be omitted."

By Order and in the name of the Rajpramukh,

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### Circular.

Dated 25th November 1952.

**No. Fl. (B) 9778-9808—C.R. 43-52-2.** As per Article 41 of the Mysore Civil Account Code, Volume I, the District Judges and District Magistrates are required to send to the Accountant-General's Office consolidated statements of fines realised by the Courts, duly agreed with the treasury figures. The despatch of these statements may be discontinued and the following revised procedure followed in future:—

(*a*) The duty of realising fines and of checking the receipts and refunds rests with the Government servants of the departments concerned.

Each Court, Civil or Criminal, is required to submit to the District Judge or the District Magistrate, as the case may be, on the last working day of each calendar month, a statement in Form 5 of Fees, Fines, etc., realised in each Court and remitted to the Treasury during the month.

The statement should be made up for the account month of the District Treasury or Taluk Treasury with which the Court deals.

The District Judge and the District Magistrate, should each consolidate these returns into a monthly fines statement for the Courts under him, and forward it to the Treasury Officer, as soon as possible, after the beginning of the following month, for verification of the amounts shown as remitted into the Treasury with the credits appearing in the Treasury account. The Treasury Officer should certify as to the correctness of or otherwise of there amounts. When there is any discrepancy between a consolidated statement, and the Treasury account, the Treasury Officer may, if necessary, before giving his certificate, request the District Judge or the District Magistrate, as the case may be, to explain the discrepancy.

I. Compensation fines due to an injured party which are creditable to deposits, and fines which, under competent authority, are credited to a Municipal or other Local Fund, will be excluded from this return.

(ii) Fines to be credited to Municipalities or other Local Funds will be entered in separate registers for each Municipality or Fund, and when the Municipality or Fund banks with a local treasury, the amounts will be remitted by the Court direct to the Treasury for being credited to the account of such fund.

(iii) Courts realising arrears of Municipal Taxes under the Municipal Acts or fines which under any law in force are credited to Municipal or other Local Funds, will furnish at the end of the month in which the realisations are effected, a statement in the prescribed form (No. 194 Criminal) to the Municipality or other body concerned.

A register in the preseribed form will be maintained in the offices of the District Magistrates and the District Judge, for consolidating the figures of the several Courts in each month. As the District Judge will receive statements from Courts situated in different Districts, the figures of the Courts of each District will be entered on separate pages in the register.

(1) All fines realised by the police on warrants should be paid, as far as possible, into the Court concerned for payment into the District Treasury; but, when the fine is realised in a taluk, it must be paid into the nearest Taluk Treasury and a receipt obtained, which the police officer will send with the warrant to the Court. The Court will then enter the fine in the proper register as realised and as paid into the Taluk Treasury, sending the Taluk Treasury receipt to the District Treasury.

(2) All fines levied and confiscations ordered under the State Excise Regulations by judicial officers should be shown in a separate column in the statement of fees and fines.

(3) When any amount is realised in any district on account of a fine imposed in another district of the State, the amount should not be remitted to the Court which inflicted the fine, but should be treated for the purpose of the fines statement, as if a fine equal to the amount realised had been inflicted by the Court in which it is realised. The Court which realises the amount should send an advice of the recovery to the court which inflicted the fine, and should also make a note of the court to which the amount realised relates, against the credit in its fines register, and monthly statement. The Court which inflicted the fine should, on receiving the intimation, note in its fines register, and the monthly statement, the amount of the recovery so advised, and the name of the treasury into which the amount was paid.

All fees and fines, Civil or Criminal, stamp penalties, deficient stamp duty, and any other items belonging to Government realised by Courts, will be entered in remittance books, one to be headed "Administration of Justice" and the other "Stamps," with particulars of the date of remittance, nature of item and amount. The books will be signed by the Nazir and the Judge in the proper columns, and sent with the money to the treasury on the day of realisation to be credited under the proper head. The Treasurer and the Treasury Officer will sign in the proper columns and return the books. At the end of the month the entries will be totalled by the Nazir and forwarded to the treasury, where the totals will be checked with the Treasury account and signed by the Treasurer and Treasury Officer, if correct.

NOTE.—The annual Cash Balance statements of Civil Courts and the Half-yearly Fines Statements of Criminal Courts will be got certified by the Treasuries before submission to the High Court. To enable the treasuries to furnish these certificates, the Courts will furnish them with particulars of remittances and a copy of the remittance register relating to the period.

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Dated 26th November 1952.

**No. Fl. (B) 9834-923—C.R. 1-52-19.** In exercise of the powers conferred by the proviso to Article 309 read with Article 313 of the Constitution of India, His Highness the Rajpramukh of Mysore is pleased to make the following further amendments to the Mysore Service Regulations:—

In the said Regulations, after Article 74, the following Heading and Article shall be inserted, namely:—

**"NEXT BELOW RULE.**

"75. When a person in a post (whether within the cadre of his service or not) is for any reason prevented from officiating in his turn in a post on a higher scale or grade borne on the cadre of the service to which he belongs, he may be authorised by special order of the appropriate authority PRO FORMA officiating promotion into such scale or grade and thereupon be granted the pay of that scale or grade if that be more advantageous to him, on each occasion on which the person immediately junior to him in the cadre of his service (or if that person has been passed over for reasons of inefficiency or unsuitability or because he is on leave or serving outside the ordinary line or foregoes officiating promotion of his own volition to that scale or grade, then the person next junior to him not so passed over) draws officiating salary in that scale or grade".

Provided that all persons senior to the person to whom the benefit under the substantive part of this rule is to be allowed are also drawing, unless they have been passed over for one or other of the reasons aforesaid, officiating salary in the said or some higher scale or grade within the cadre.

Provided further that NOT MORE THAN ONE PERSON (either the seniormost fit person in a series of adjacent persons outside the ordinary line, or, if such a person either foregoes the benefit of his own volition or does not require the benefit in virtue of his holding a post outside the ordinary line which secures him at least equivalent benefits in respect of salary and pension then the next below in the series) may be authorised to draw the salary of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by his junior under this Article.

Note 1.—A purely fortuitous officiating promotion given to a person who is junior to one outside the regular line does not in itself give rise to a claim under the "Next Below" Rule.

Note 2.—Promotions made by Government prior to the date of coming into force of this Article which are not in accordance with this Article will be regularised gradually to the extent possible and all future promotions should be strictly in conformity with the "Next Below" Rule laid down in this Article.

By Order and in the name of His Highness the Rajpramukh,

M. SHAMANNA,

*Secretary to Government,*
*Finance Department.*

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## LOCAL SELF-GOVERNMENT SECRETARIAT

No. L.B. 6400—V.P. 9-52-48, dated 20th October 1952.

Whereas it appears to His Highness the Maharaja of Mysore that the lands specified below are needed for a public purpose, to wit, for Village Extension.

Notice to that effect is hereby given to all whom it may concern in accordance with the provisions of sub-section (1) of Section 4 of the Mysore Land Acquisition Act of 1894 (Mysore Act No. VII of 1894). Under Section 5-A of the said Act, any person interested in the lands may, within thirty days from the date of publication of this Notification in the *Mysore Gazette*, prefer his objections, if any, in writing, to the Deputy Commissioner for consideration. Objections received after the said period will not be considered.